PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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DA-06-16

Before the
Federal Communications Commission
Washington, D.C. 20554

PUBLIC NOTICE

Released: January 5, 2006

FEE DECISIONS OF THE MANAGING DIRECTOR AVAILABLE TO THE PUBLIC

The Managing Director is responsible for fee decisions in response to requests for waiver or deferral of fees as well as other pleadings associated with the fee collection process. A public notice of these fee decisions is published in the FCC record.

The decisions are placed in General Docket 86-285 and are available for public inspection. A copy of the decision is also placed in the appropriate docket, if one exists.

The following Managing Director fee decisions are released for public information:

EchoStar Satellite LLC - Request for waiver of application fees. **Granted** (October 25, 2005) [*See* 47 C.F.R § 1.1107]

Hughes Network Systems, Inc - Request for refund of application fees. **Granted** (October 25, 2005) [*See* 47 C.F.R § 1.1113 (a)(4)]

Integrity Radio of Florida, LLC - Request for refund of application fee. **Granted** (October 25, 2005) [*See* 47 C.F.R §§ 1.1108, 1.1113(a)]

KMRI Radio, LLC - Request for waiver of FY 2004 regulatory fees. **Granted** (October 25, 2005) [*See* Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), *recon. Granted*, 10 FCC Rcd 12759 (1995)]

KZPO-FM, Lindsay, California - Request for waiver of regulatory fees. **Denied** (October 25, 2005) [*See* Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12,759, 12761-62 (1995)]

Loral SpaceCom – Request for waiver of FY 2005 regulatory fee. **Granted** (October 25, 2005) [*See* Implementation of Section 9 of the Communications Act Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year, Memorandum Opinion and Order, 10 FCC Rcd 12759, 12761-62, ¶¶ 13-14 (1995)]

Oneok, Inc – Request for refund of application fee. **Granted** (November 9, 2005) [*See* 47 U.S.C. §158(d)(2)]

PanAmSat Corporation. - Request for refund of application fees. **Granted** (October 25, 2005) [*See* 47 CFR § 1.1113(a)(4)]

Professional Antenna, Tower and Translator Service - Request for waiver of FY 2004 regulatory fees and late charge. **Denied** (October 25, 2005) [*See* Implementation of Section 9 of the Communications Act Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year; 10 FCC Rcd 12759, 12761 ¶16 (1995)]

PT-1 Communications, Inc – Request for Waiver of FY 2002 regulatory fee. **Granted** (October 25, 2005) [*See* Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12762 (1995)]

Spectrum Astro, Inc - *Request for refund of* application fee. **Denied** (November 9, 2005) Space Station Licensing Reform Order at 10,792-10,822 ¶¶ 71-159.

Startec Global Operating Company - Request for waiver of FY 2001 2002 and 2003 regulatory fees. FY 2001 and 2002. **Denied** FY 2003. **Granted** (November 3, 2005) [*See* Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12762 (1995)]

Tyco Telecommunications (US) Inc – Request for partial refund of FY 2004 regulatory fee. **Granted** (November 9, 2005) [*See* Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12761 ¶¶ 10-11 (1995)]

NOTE: ANY QUESTIONS REGARDING THIS REPORT SHOULD BE DIRECTED TO THE REVENUE AND RECEIVABLES OPERATIONS GROUP AT (202) 418-1995.

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554
OCT 25 2005

OFFICE OF
MANAGING DIRECTOR

Pantelis Michalopoulos, Esq.
Philip L. Malet, Esq.
Brendan Kasper, Esq.
Steptoe & Johnson LLP
1330 Connecticut Ave., N.W.
Washington, DC 20036-1795

Re: EchoStar Satellite L.L.C.
Petition for Waiver of Application Fees
Fee Control Number 00000RROG-05-058

Dear Counsel:

This is in response to your request for waiver of application fees dated June 21, 2005 submitted on behalf of EchoStar Satellite L.L.C. (EchoStar) in connection with an application to amend its application to operate one million receive-only earth stations in the United States to receive Direct-to-Home (DTH) service from the AMC-16 satellite, operating at the Canadian Broadcasting Satellite Service (BSS) orbital slot at 118.7° W.L.[1] You request that the Commission find that no fee is required, *i.e.*, waive these fees, or "find that the VSAT [*i.e.*, Very Small Aperture Terminal] application fee for an amendment to a pending application [*i.e.*, $155.00] is appropriate." Our records reflect that EchoStar paid a $155.00 filing fee with its application. Your request is granted.

You recite that EchoStar requests authorization to amend its application for one million technically identical receive-only earth station antennas "to expand its provision of multichannel video services to consumers in the United States." You state that in the absence of any provision under the Commission's rules specifying a charge for this type of application in the DTH service, the application could be subject either to the $155.00 fee to amend a pending application for a fixed satellite VSAT system under section 1.1107(6)(f), 47 C.F.R.§1.1107(6)(f), or the $155.00 fee to amend a pending receive-only earth station application under section 1.1107(5)(e), 47 C.F.R.§1.1107(5)(e), for each of the one million earth stations, for a total fee of $155,000,000.000. Citing *Streamlining the Commission's Rules and Regulations for Satellite Application and Licensing Procedures*, 11 FCC Rcd 21581, 21592 (1996), you assert that EchoStar's proposed system is consistent with the Commission's definition of "VSAT networks which are networks of technically identical small antennas that generally communicate with a larger hub station and operate in the 12/14 GHz frequency bands." You aver that because the

[1] *See Amendment to EchoStar Blanket Receive Only Earth Station Application – 118.7,* File No. SES-AFS-2005 _____ (filed June 21, 2005) (amendment to EchoStar's application for authority to operate one million receive-only U.S. earth stations using Ku-band capacity (i.e., 14.0 – 14.5 GHz and 11.7-12.2 GHz)).

proposed earth stations are technically identical, "many of the processing activities required to analyze an amendment to a pending application . . . are simply not required[.]" You note that the Commission "has already granted a fee waiver that allowed EchoStar to pay the VSAT application fee for the initial application" that is the subject of the instant amendment application.[2] You assert that the Commission has accepted application fees for VSAT networks in similar contexts.[3] You maintain that grant of the application would enable EchoStar to provide new multichannel video programming distribution (MVPD) services and to "compete more effectively with established cable operators in the MVPD market." You also claim that a grant would enable EchoStar to "offer DTH services to the United States from an orbital location that has not previously been available to serve the U.S. market[.]" You assert that to require EchoStar to pay a $155.00 fee for each of its one million earth stations "merely because it is providing service from a non-U.S. satellite when an operator providing an identical service using U.S. licensed satellite would not need to apply for licenses for each of its consumer dishes" would constitute "overtly discriminatory treatment among DBS [direct broadcast satellite] and DTH providers serving the United States."

The Commission has discretion to waive filing fees "in any specific instance for good cause shown, where such action would promote the public interest." 47 U.S.C. § 158(d)(2). We construe this waiver authority narrowly, and limit its application to only those situations where the applicant has made the requisite showing of good cause and demonstrated that the action would promote the public interest.

In the *EchoStar Letter Decision*, (*see supra* note 2), the Office of Managing Director (OMD) observed that the Commission previously has noted the special circumstances among earth station licenses to receive satellite transmissions, including the processing extended to large numbers of "technically identical small antenna earth station facilities."[4] OMD therefore found that, based on the circumstances of EchoStar's

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[2] *See* Letter from Mark A. Reger, Chief Financial Officer (CFO), Office of Managing Director (OMD), FCC, to Pantelis Michalopoulos, Esq. and Philip L. Malet, Esq. (dated Mar. 10, 2005) (*EchoStar Letter Decision*).

[3] In support, you cite *DIRECTV Enterprises,* 19 FCC Rcd 15529 (International Bur. 2004) (granting DIRECTV's request for a blanket authorization for one million receive-only earth stations to provide "local-into-local" signals to U.S. consumers using a DIRECTV satellite operating pursuant to a Canadian space station authorization issued to Telesat Canada) and *Digital Broadband Application Corp.*, 18 FCC Rcd 9455 (International Bur. 2003).

[4] *See Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985, Report and Order,* 2 FCC Rcd 947, ¶¶ 245-248 (1987).

application, EchoStar's plan comports with the Commission's expressed intent in the *DISCO II* decision.[5] OMD explained that, as in that situation, "Commission staff will expend fewer resources and will be able to more efficiently process EchoStar's application because the multiple earth stations are technically identical." OMD therefore found "that the public interest is served in permitting a blanket application and waiving the fees that would have been required to accompany one million separate license requests."[6] For the same reasons supporting OMD's decision to grant EchoStar a waiver of the application fees in the *EchoStar Letter Decision*, we find that the public interest is served in waiving the fees that would have been required to accompany one million separate applications for amendment of the application at issue in the *EchoStar Letter Decision*.

Your request is granted to the extent stated herein and the Commission accepts your check of $155.00. If you have any questions concerning this letter, please call the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,

Mark A. Reger
Chief Financial Officer

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[5] In reaching this finding, OMD cited *Amendment of the Commission's Regulatory Policies to Allow Non-U.S. Licensed Space Stations to Provide Domestic and International Satellite Service in the United States, Report and Order*, 12 FCC Rcd 24094, ¶¶ 201-204 (1997) (*DISCO II*).

[6] In reaching its decision, OMD cited Letter from Mark A. Reger, CFO, OMD, FCC to Gary M. Epstein, Esq., *et al.* (dated June 15, 2004), Letter from Mark Reger, CFO, OMD, FCC, to Stephen R. Bell, Esq. and Jennifer D. McCarthy, Esq. (dated Sept. 13, 2001), and Letter from Mark Reger, CFO, OMD, FCC, to Patricia J. Paoletta, Esq., Todd M. Stansbury, Esq., and Jennifer D. Hindin, Esq. (dated June 24, 2002).

00000RR06-05-058

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	
EchoStar Satellite L.L.C.	
Petition for Waiver of Application Fees Pursuant to Section 1.1117 of the Commission's Rules	

To: Office of the Managing Director

PETITION FOR WAIVER OF APPLICATION FEES

EchoStar Satellite L.L.C. ("EchoStar") respectfully requests that, pursuant to Sections 1.3 and 1.1117 of the Commission's Rules,[1] and the Communications Act of 1934, as amended (the "Act"),[2] the Commission waive to the extent necessary certain application fees associated with its concurrently filed application seeking to amend its pending application to operate 1,000,000 receive-only earth stations in the United States to receive Direct-to-Home ("DTH") service from the AMC-16 satellite, operating at the Canadian Broadcasting Satellite Service ("BSS") orbital slot at 118.7° W.L.[3] The Commission's Rules and the Act specifically provide that such fees may be waived where good cause is shown and the public interest would

[1] 47 C.F.R. §§ 1.3 and 1.1117.

[2] 47 U.S.C. § 158(d)(2).

[3] *See Amendment to EchoStar Blanket Receive Only Earth Station Application. -- 118.7*, File No. SES-AFS-2005_____ (filed June 21, 2005) ("Application"). For your convenience, enclosed is a copy of the Application materials to which this request for waiver is associated.

be served.[4] As demonstrated below, good cause exists for, and the public interest would be served by, waiver of fees in this case because the application fee would not be commensurate with the Commission's actual costs of processing EchoStar's Amendment and would represent a regulatory barrier to EchoStar's proposed provision of service. If the Commission determines that a fee is required, EchoStar requests that the Commission find that the "VSAT" application fee for an amendment to a pending application is appropriate. EchoStar has already paid the $155 fee for such applications, to which the instant request to provide service to up to a million receive-only dishes is similar.

I. BACKGROUND

EchoStar is amending its application requesting authorization for 1,000,000 receive-only earth station antennas in order to expand its provision of multichannel video services to consumers in the United States. The Commission's Rules do not designate any specific charges for the type of application being filed in the DTH service. The following schedule of charges for applications for the types of services which could be applied to EchoStar's Application include:

- Amendment of Pending Application for a Fixed Satellite Very Small Aperture Terminal (VSAT) System = $155.00[5]
- Amendment of Pending Receive-Only Earth Station Application = $155.00[6]

[4] 47 C.F.R. § 1.1117; 47 U.S.C. § 158(d)(2).

[5] 47 C.F.R. § 1.1107(6)(f).

[6] 47 C.F.R. § 1.1107(5)(e).

EchoStar's proposed network of DBS earth stations is most like a VSAT system, therefore, it should be subject to at most the $155.00 application fee for an amendment of a pending application for a VSAT system.

EchoStar's proposed system architecture consists of as many as 1,000,000 technically identical earth stations operating in the Ku-band. This architecture is consistent with the FCC's definition of VSAT networks which are networks of technically identical small antennas that generally communicate with a larger hub station and operate in the 12/14 GHz frequency bands.[7] Because EchoStar believes that its system is most like a VSAT network, it has paid the $155.00 application fee. However, if the Commission determines that the $155.00 fee for receive-only earth stations applies to each of EchoStar's 1,000,000 consumer units, EchoStar seeks a waiver of that $155,000,000.00 application fee.

II. GOOD CAUSE EXISTS FOR, AND THE PUBLIC INTEREST WOULD BE SERVED BY, WAIVER OF THE RECEIVE-ONLY EARTH STATION APPLICATION FEE

The Commission has the authority to waive application fees where -- such as here -- good cause is shown and the public interest would be served.[8] As demonstrated below, a fee of up to $155 million would be prohibitively high for EchoStar, would deny competitive service offerings to the public, and would not be commensurate with FCC processing resources.

A. FCC Application Fees are Intended to Recover the Costs of Standard Application Processing

[7] *See Streamlining the Commission's Rules and Regulations for Satellite Application and Licensing Procedures*, Order, 11 FCC Rcd. 21581, 21592 (1996).

[8] *See WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969), *aff'd*, 459 F.2d 1203 (D.C. Cir. 1972), *cert. denied*, 409 U.S. 1027 (1972).

The Commission's schedule of application fees is intended to reimburse the government for the work involved in providing certain regulatory services associated with processing applications. In setting the fees, the Commission has noted that "the charges represent a rough approximation of the Commission's actual cost of providing the regulatory actions listed" and that "the very core of this effort is to reimburse the government -- and the general public -- for the regulatory services provided to certain members of the public."[9] However, in certain instances, the Commission's schedule of filing fees may not reasonably approximate the costs involved in handling a particular application or may not otherwise serve the public interest. For this reason, the Commission's Rules and the Act allow for parties to seek a waiver of the application fees.[10]

A filing fee waiver is warranted here because many of the processing activities required to analyze an amendment to a pending application -- the costs of which the application fees are designed to recover -- are simply not required in reviewing EchoStar's Amendment. For example, the Commission need not review 1,000,000 different technical parameters to grant EchoStar's Amendment. Rather, as in the case of a VSAT network, the Commission only needs to review one set of technical parameters for all of the technically identical earth stations.

The Commission has already granted a fee waiver that allowed EchoStar to pay the VSAT application fee for the initial application to operate up to 1,000,000 receive-only earth

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[9] *Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985*, Report and Order, 2 FCC Rcd. 947, 948 (1987).

[10] *See supra* note 4.

stations to receive programming from the Canadian BSS orbital slot at 118.7° W.L.[11] Further in similar contexts, the Commission has accepted application fees for VSAT networks. *See, e.g.*, *Application of DIRECTV Enterprises, LLC*, DA 04-2526 (rel. Aug. 13, 2004) (approving application in which applicant paid VSAT application fee for 1,000,000 receive-only terminals to be used for Direct Broadcast Satellite ("DBS") service from a Canadian satellite); *see also In the Matter of Digital Broadband Application Corp.*, Order, 18 FCC Rcd. 9455 (2003) (approving application in which applicant paid VSAT and fixed satellite transmit/receive earth station application fees for one hub earth station to be used with one million two-way FSS and DBS service from Canadian satellites). Thus, the $155.00 application fee paid for this amendment would be consistent with past practice of treating these blanket receive-only DTH/DBS earth station applications like VSAT applications and would fairly compensate the Commission for the costs involved in its review of the application.

B. The Public Interest Would Be Served by Granting the Requested Fee Waiver

In addition to being supported by the requisite good cause, granting EchoStar's request for a waiver of application fees for its Amendment is also consistent with the public interest. As described in detail in the Amendment, grant of the authority requested by EchoStar to provide DTH services in the United States from the 118.7° W.L. orbital location will further a number of compelling public interest objectives. First, a grant would increase the number of markets in which EchoStar would be able to provide local-into-local programming for its subscribers and allow EchoStar to transition many of its customers currently receiving local channels on two satellite dishes to an offering where all the local stations are provided from the

[11] *See* Letter from Mark A. Reger, Chief Financial Officer to Pantelis Michalopoulos and Philip L. Malet, Re: EchoStar Satellite L.L.C. Petition for Waiver of Application Fees, Fee Control Number 00000RROG-04-094, March 10, 2005.

same dish, as required under the recently enacted Satellite Home Viewer and Extension Act of 2004.[12] Second, it would allow EchoStar to compete more effectively with established cable operators in the MVPD market. Lastly, grant of the Amendment will allow EchoStar to offer DTH services to the United States from an orbital location that has not previously been available to serve the U.S. market and allow EchoStar to bring substantial new satellite capacity to bear in providing DBS service to U.S. consumers.

EchoStar should not be required to pay a $155.00 fee for each of its 1,000,000 earth stations merely because it is providing service from a non-U.S. satellite when an operator providing an identical service using a U.S. licensed satellite would not need to apply for licenses for each of its consumer dishes.[13] The result would be overtly discriminatory treatment among DBS and DTH providers serving the United States. Moreover, in its recent *Space Station Licensing Order*, the Commission concluded that there is no need for a satellite operator to seek separate authorization for routinely-licensed receive-only earth station antennas -- or to pay a separate fee -- if the Commission has concluded that the public interest is served by that

[12] The Satellite Home Viewer Extension and Reauthorization Act of 2004 requires that satellite carriers allow all local programming to be received by subscribers by means of a single satellite dish. See Section 203 of the Satellite Home View Extension and Reauthorization Act of 2004 (enacted December 8, 2004).

[13] Except for the fact that EchoStar will be using a Canadian orbital location, EchoStar would not have to file an application for these earth stations. *See* 47 C.F.R. § 25.131(j); *see also In the Matter of Telesat Canada Petition for Declaratory Ruling for Inclusion of ANIK F1 on the Permitted Space Station List*, Order, 16 FCC Rcd. 16365, 16369 (2001) (holding that "receive-only earth stations receiving transmissions from any non-U.S. licensed satellite, regardless of whether the satellites is on the Permitted List, must be licensed.").

provider's satellite being added to the Permitted Space Station List, including providers authorized to provide DTH services.[14]

III. CONCLUSION

Under current Commission fee guidelines, EchoStar could potentially be required to pay a fee of $155.00 for each of its receive-only earth station. That would amount to a total fee of up to $155,000,000.00. Clearly, the imposition of such a high fee was not what Congress or the Commission intended when the fee guidelines were adopted. Such an astronomical application fee would be a barrier to any operator that desires to offer an innovative, competitive service to the public, as proposed by EchoStar.

The financial hardship that a $155 million filing fee would impose on EchoStar, or indeed any other entity, would clearly preclude an application from being filed at all. Filing fees should reimburse the government for the costs of processing applications, not act as a regulatory barrier to entry for competitive services. For all of the aforementioned reasons, EchoStar respectfully requests that the Commission grant the requested fee waiver to the extent necessary in conjunction with its Amendment to provide DTH service from the 118.7° W.L. orbital location.

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[14] *See Amendment of the Commission's Space Station Licensing Rules and Policies,* Second Report and Order in IB Docket No. 02-34, Second Report and Order in IB Docket No. 00-248, and Declaratory Order in IB Docket No. 96-111, 18 FCC Rcd. 12507, 12516-17 (2003).

Respectfully submitted,

/s/

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1330 Connecticut Avenue, N.W.
Washington, D.C. 20036-1795
(202) 429-3000

Counsel for EchoStar Satellite L.L.C.

Dated: June 21, 2005

cc: Andrew S. Fishel, Managing Director, Office of the Managing Director (via hand delivery)

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

OCT 25 2005

OFFICE OF
MANAGING DIRECTOR

Dean Manson
Vice Pres., General Counsel
And Secretary
Hughes Network Systems LLC
11717 Exploration Lane
Germantown, MD. 20876-2700

Re: Request for Hughes Network Systems, Inc. for Refund of Application Fees for Withdrawn V Band Satellite Applications
Fee Control No. 9709258210177002

Dear Mr. Manson:

This is in response to a request for a refund filed by Hughes Network Systems, Inc. (HNS) of $1,896,840 in application fees for withdrawn V-band satellite applications[1] and a subsequent letter jointly filed by HNS and PanAmSat Corporation (PanAmSat), in which HNS seeks a reduced refund of $1,122,940 (HNS/PanAmSat Joint Proposal).[2] The fees were paid by HNS's predecessor in interest[3] in connection with three V-band satellite system applications filed in 1997. Your request for a reduced refund is granted.

In the first letter, you state that Section 1.1113(a)(4) of the Commission's rules permits the requested refund. This rule states in relevant part that "[t]he full amount of any fee will be returned or refunded ... [w]hen the Commission adopts new rules that nullify applications already accepted for filing, or new law or treaty would render useless a grant or other positive disposition of the application." 47 CFR § 1.1113(a)(4). You state that provisions adopted in the Amendment of the Commission's Space Station Licensing Rules and Policies, *First Report and Order and Further Notice of Proposed Rulemaking*, 18 FCC Rcd 10,760 (2003) (*Space Station Licensing Reform Order* or *Order*) trigger Section 1.1113(a) because they "radically altered longstanding Commission rules that had governed the filing and processing of satellite system

[1] Letter from John P. Janka, Latham & Watkins, to Andrew S. Fishel (June 25, 2003). (Janka Letter). HNS withdrew its V-band applications simultaneously with its request for refund.

[2] Letter from Dean Manson, Vice President, General Counsel and Secretary, Hughes Network Systems LLC (HNS), and Kalpak S. Gude, Vice President & General Counsel, PanAmSat Corporation (PanAmSat) (September 12, 2005) (HNS/PanAmSat Joint Proposal). Hughes bought PanAmSat, and the Commission approved the transfer of control in an Order adopted April 4, 1997, before Hughes and PanAmSat filed their V-band applications. *See* Hughes Communications and Affiliated Companies, *Order and Authorization*, 12 FCC Rcd 7534 (1997). We address PanAmSat's specific refund request in a separate letter, which we are releasing simultaneously with this one.

[3] The original applicant was HNS's affiliate, Hughes Communications, Inc. (Hughes). In 2002, HNS and Hughes filed amendments substituting HNS as the applicant.

applications."[4] Specifically, you state that "new limits on the number of satellite applications that one entity may have pending, as well as a new policy to 'attribute,'or aggregate, the filings made by related companies for purposes of the new application limits ... legally preclude ... HNS and its sister company PanAmSat from continuing to prosecute all of their respective [V-band] applications."[5] You also state that "the new bond-posting and milestone requirements, and the new penalties for failing to meet a license milestone or for surrendering a license for cancellation, fundamentally change the business risks associated with ... attempting to implement an FCC-licensed satellite system."[6] In addition, you argue that it would have been "virtually impossible" for HNS to adhere to changes made to the International Radio Regulations at the WRC-2000, which require certain "due diligence" showings to be made by November 21, 2003, in order to maintain the validity of the U.S. ITU filings regarding the V-band systems.[7] You state that the U.S. could not maintain the ITU priority for HNS' systems because of the "six-year hiatus is Commission processing."[8] Finally, you argue under the *Space Station Licensing Reform Order*, a fee refund is warranted because "the Commission has neither accepted for filing, nor placed on Public Notice for comment, the HNS [V-band] applications .... [and] therefore has not completed the fee review process."[9]

In the HNS/PanAmSat Joint Proposal, you note that on March 10, 2005, "the Managing Director determined that a refund was due for four of SES Americom's nine withdrawn GSO slot applications in the V/Ku-band because SES could no longer prosecute those four applications in light of a recent Commission decision that limited SES to five pending applications for GSO slots in a given frequency band"[10] and stated that "the same rationale applies in this case."[11] Specifically, you state that "the rules adopted as part of the *First Space Station Licensing Reform Order* limited PanAmSat and HNS, collectively, to prosecuting five requests for GSO orbit slots, and one NGSO-like satellite system request, in the V-band.... The only outstanding question, then, should be how to allocate the five GSO-slot application limit between HNS and PanAmSat for purposes of processing their pending application filing fee refund requests."[12]

The Joint Proposal states that HNS and PanAmSat "have agreed to allocate that limit between themselves in proportion to the number of V-band GSO slot requests they had pending at the time: (i) HNS had requested sixteen GSO slots (and one NGSO-like

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[4] Janka Letter at 2.
[5] *Id.* at 2-3.
[6] *Id.* at 3.
[7] *Id.*
[8] *Id.* at 6.
[9] *Id.* at 5.
[10] HNS/PanAmSat Joint Proposal at 1.
[11] *Id.*
[12] *Id.* You state that the "application limit applied collectively to PanAmSat and HNS because, at that time, both entities were controlled by a common entity: Hughes Electronic Corporation ..." *Id.*

satellite system) and (ii) PanAmSat had sought eleven GSO slots."[13] Accordingly, "applying 16/27 of the five-slot limit to HNS . . . yields an allocation of three 'permissable' applications for slots to HNS ... [and] under the *SES Americom* precedent, ... HNS is entitled to a refund of all of the V-band application filing fees that it paid, less the filing fees attributable to the V-band applications that it could have continued to prosecute – three GSO slots and its NGSO application."[14] Thus, you state that '[i]n HNS's case, the amount due is ... $1,122,940 (total filing fees paid of $1,641,760[15] less the $259,680 in initial application and amendment filing fees attributable to its NGSO applications and less the $259,140 in initial application and amendment filing fees attributable to three GSO slots.)"[16]

Section 1.1113(a)(4) provides that the Commission will issue refunds for application fees "when the Commission adopts new rules that nullify applications already accepted for filing, or new law or treaty would render useless a grant or other positive disposition of the application." In establishing the fee collection program, the Commission elaborated on the meaning of this provision:

> Section 1.1111(a)(4) [the earlier version of Section 1.1113(a)(4)] is intended to apply in those rare instances where the Commission creates a new regulation or policy, or the Congress and President approve a new law or treaty, that would make the grant of a pending application a *legal nullity*. We believe that this rare event would justify the return of an application because the action of a government entity would make the requested action *impossible* without regard to the merits of that application.

Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985, *Report and Order*, 2 FCC Rcd. 947, para. 17 (1987) (*1987 Fee Order*) (*emphases added*). *See also Ranger Cellular and Miller Communications, Inc.*, 348 F.3d 1044 (D.C. Cir. 2003), (upholding a Wireless Telecommunications Bureau decision citing this language).

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[13] *Id.* at 1-2.

[14] *Id.* at 2.

[15] In its initial filing, HNS claims that its predecessor paid a total of $1,896,840 in aggregate application fees in connection with three V-band satellite system applications filed in 1997, including a $255,080 filing fee that Hughes initially submitted with its first V-band application on July 14, 1997. In its first letter requesting a refund, HNS questions whether the Commission ever refunded the initial application fee it paid after the Managing Director determined that the correct filing fee should have been $850,040. In the Joint Proposal, the parties no longer question whether the Commission refunded the $255,080 and, as noted above, state that HNS's V-band filing fees totaled $1,641,760.

[16] *Id.*

The Commission adopted the *Space Station Licensing Reform Order* in May 2003 to put in place licensing procedures that would allow faster service to the public, while maintaining adequate safeguards against speculation.[17] In the *Order*, the Commission adopted two new satellite space station licensing procedures: (i) a modified processing round procedure for new non-geostationary satellite orbit (NGSO) satellite system applications, and for geostationary satellite orbit (GSO) mobile satellite service (MSS) satellite system applications (together, NGSO-like applications);[18] and (ii) a new first-come, first-served approach for new GSO satellite applications other than MSS satellite systems (GSO-like applications).[19] The Commission adopted additional provisions intended to make the satellite application process more efficient, including setting a required bond amount ($5 million for GSO-like licensees and $7.5 million for NGSO-like licensees)[20] and adding additional milestone requirements for all satellite services.[21] To prevent frivolous or speculative applications, the *Order* limited the number of applications and unbuilt satellite systems that any one applicant can have pending in a frequency band to five GSO orbit locations and one NGSO satellite system.[22] The *Order* also provided for an attribution rule which, among other things, required that if an applicant, or the subsidiary of an applicant, had a controlling interest in another applicant, the pending applications and unbuilt satellites of both applicants would be counted together for purposes of the limits.[23] The Commission decided further to apply certain of its new rules to some already-pending satellite applications, including those in the V-band.

On March 10, 2005, the Managing Director responded to a request by SES AMERICOM for a refund of $765,405 for filing fees paid in connection with SES AMERICOM's applications for authority to launch and operate a system of eleven V/Ku-band satellites at nine orbital locations.[24] In the letter, the Commission agreed with SES AMERICOM that "the rule limiting the number of pending GSO-like applications adopted in the *Space Station Licensing Reform Order* makes it impossible for the

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[17] *Space Station Licensing Reform Order*, 18 FCC Rcd at para. 279.

[18] *Id.* at paras. 48-55. *See also* Public Notice, "International Bureau Invites Applicants to Amend Pending V-Band Applications," DA 04-234 at 2 (January 29, 2004) (January 29, 2004 PN). Under this approach, the Commission announces a cut-off date for a processing round, reviews each application filed in the processing round to determine whether the applicant is qualified to hold a satellite license, and divides the available spectrum equally among the qualified applicants.

[19] *Space Station Licensing Reform Order* at paras. 71-159. Under the first-come, first-served approach, applications are placed in a single queue and reviewed in the order in which they are filed.

[20] *Id.* at para. 168.

[21] *Id.* at paras. 173-208.

[22] *Id.* at paras. 226-233. *See also* 47 C.F.R. § 25.159 and the Erratum to the Amendment of the Commission's Space Station Licensing Rules and Policies, 18 FCC Rcd. 15,306 (clarifying that GSO-like applicants must specify only one orbit location in each application on a going-forward basis) (released July 23, 2003).

[23] *Id.* at para. 237.

[24] *See* Letter to Peter A. Rohrbach, Karis A. Hastings, and David L. Martin, Counsel for SES Americom, Inc., from Mark A. Reger (March 10, 2005).

Commission to grant more than five of SES AMERICOM's pending GSO-like applications for orbital locations in any satellite service band and requires the withdrawal of four of SES AMERICOM's pending applications."[25] Thus, the Managing Director found that "[u]nder these circumstances, pursuant to section 1.1113(a)(4) of our rules, a refund is appropriate for the four withdrawn applications."[26] The letter went on to state, however, that the provisions in the *Space Station Licensing Reform Order* do not require the Commission to make a full refund of SES AMERICOM's applications fees under Section 1.1113(a)(4).[27] The Managing Director also found that "equitable considerations [did not] provide support for a full refund of the application fees."[28]

We agree with the statement in the HNS/PanAmSat Joint Proposal that the "rationale [used in the SES AMERICOM case] applies in this case."[29] Specifically, the new rules in the *Space Station Licensing Reform Order* (i) limiting the number of satellite applications that one entity may have pending and (ii) attributing the filings made by related companies for purposes of the new application limits make it impossible for the Commission to grant applications for more than five of HNS's and PanAmSat's pending GSO orbit locations and one NGSO-like satellite system. We also find that the HNS/PanAmSat proposal to allocate the five GSO-slot application limit between HNS and PanAmSat in proportion to the number of V-band GSO slot requests they had pending at the time to be consistent with our attribution rules. Under your proposal, because HNS had requested sixteen GSO slots (and one NGSO-like satellite system) and PanAmSat had requested eleven GSO slots, HNS should be allocated 16/27 of the five-slot limit or three of the slots. Accordingly, we will refund to you as soon as practicable the $1,105,585 in filing fees associated with thirteen of HNS's sixteen GSO-like orbit location requests that cannot be granted under the Commission's new rules. We will also refund $17,355 in fees corresponding to the amendments to these applications, which HNS and Hughes filed in July 2002 in order to substitute HNS as the applicant on these applications. If you have any questions concerning this matter, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,

Mark A. Reger
Chief Financial Officer

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[25] *Id.* at 4.
[26] *Id.*
[27] *Id.*
[28] *Id.* at 7.
[29] HNS/PanAmSat Joint Proposal at 1. Accordingly, we do not address the arguments raised in your first letter that the *Space Station Licensing Reform Order* and other considerations require the Commission to make a full refund of HNS's V-band application fees.

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June 25, 2003

By Hand

Mr. Andrew S. Fishel
Managing Director
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Request of Hughes Network Systems, Inc. for Refund of Application Fees for Unprocessed and Withdrawn V Band Satellite Applications

Dear Mr. Fishel:

Pursuant to Section 1.1113(a)(4) of the Commission's Rules, 47 C.F.R. § 1.1113(a)(4), Hughes Network Systems, Inc. ("HNS") hereby requests a refund of the $1,896,840 in aggregate application filing fees paid by its predecessor in interest[1] in connection with the following three "V Band" satellite system applications filed in 1997, which have neither been accepted for filing nor placed on Public Notice for comment:

1) Application for Authority to launch and operate the *Expressway* GSO system in the V and Ku bands, SAT-LOA-19970924-00087/88/89/90/91/92/93/94/95/96; SAT-AMD-20020722-00136/137/138/139/140/141/142/143/144/145;

2) Application for Authority to launch and operate the *SpaceCast* GSO system in the V and Ku bands, SAT-LOA-19970925-00119/120/121/122; SAT-AMD-20020722-00131/132/133/134; and

3) Application for Authority to launch and operate the *StarLynx* GSO/NGSO FSS/MSS system in the V band, SAT-LOA-19970926-00126/140/141; SAT-AMD-20020722-00127/128/129.

HNS is simultaneously withdrawing these applications because recent fundamental changes in the Commission's satellite licensing rules, as well as impending International Telecommunication Union deadlines established after these applications were filed,

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[1] The original applicant was HNS' affiliate, Hughes Communications, Inc. ("Hughes"). In 2002, HNS and Hughes filed amendments substituting HNS as the applicant.

make it infeasible for HNS to continue to prosecute these applications as applied for, or to implement the proposed systems within the relevant time periods.

HNS seeks a full refund of the $1,896,840 in aggregate filing fees paid with respect to these applications. Exhibits 1 through 7 contain copies of the FCC remittance forms and checks demonstrating payment of each of the following amounts:

SAT-LOA-19970924-00087/88/89/90/91/92/93/94/95/96; SAT-AMD-20020722-00136/137/138/139/140/141/142/143/144/145:

$255,080 application fee submitted July 14, 1997 (*see* Exhibit 1)
$850,450 application fee submitted September 24, 1997 (*see* Exhibit 2)[2]
$13,350 amendment fee submitted July 22, 2002 (*see* Exhibit 3)

SAT-LOA-19970925-00119/120/121/122; SAT-AMD-20020722-00131/132/133/134:

$340,180 application fee submitted September 25, 1997 (*see* Exhibit 4)
$5,340 amendment fee submitted July 22, 2002 (*see* Exhibit 5)

SAT-LOA-19970926-00126/140/141; SAT-AMD-20020722-00127/128/129:

$425,170 application fee submitted September 26, 1997 (*see* Exhibit 6)
$7,270 amendment fee submitted July 22, 2002 (*see* Exhibit 7)

The following discussion details some of the substantial and fundamental changes in law that have occurred since these applications were filed, which warrant a full fee refund under Commission precedent:

Changes in Commission Regulation. On May 19, 2003, the Commission released its *Space Station Licensing Reform Order*,[3] which radically altered longstanding Commission rules that had governed the filing and processing of satellite system applications. Among other things, the Commission adopted new limits on the number of satellite applications that one entity may have pending, as well as a new policy to "attribute," or aggregate, the filings made by

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[2] On July 14, 1997, Hughes initially paid a $255,080 filing fee for this application, and on July 28, 1997 submitted a request to the Managing Director for a declaratory ruling that such fee was correct. *See* Exhibit 8. On August 26, 1997, the Managing Director determined that the correct filing fee should be $850,450, and instructed Hughes to submit that sum. *See* Exhibit 9. On September 24, 1997, Hughes submitted $850,450, along with a letter expressing its understanding, based on conversations with Commission staff, that the Commission was processing a refund of the initial $255,080 payment. *See* Exhibit 10. Counsel for Hughes does not believe that refund ever was issued. Thus, HNS seeks a refund of that initial application fee as well.

[3] *Amendment of the Commission's Space Station Licensing Rules and Policies*, First Report and Order and Further Notice of Proposed Rulemaking, IB Docket No. 02-34, FCC 03-102 (released May 19, 2003) ("*Space Station Licensing Reform Order*").

related companies for purposes of the new application limits. In addition, the Commission adopted new post-licensing bonding requirements, implemented a more rigorous set of license milestones, and adopted financial and other penalties of failing to meet a license milestone or surrendering a license for cancellation in the event a system cannot be implemented in accordance with its license terms.

These rule changes have a number of important and fundamental effects on HNS' ability to continue to prosecute these applications as originally filed. Once the rules adopted in the *Space Station Licensing Reform Order* become effective (upon publication in the Federal Register), HNS and its sister company PanAmSat would have been legally precluded from continuing to prosecute all of their respective V Band applications. Therefore, HNS (and PanAmSat) would have been required to dismiss a number of their V Band requests in order to come into compliance with the new rules. Moreover, the new bond-posting and milestone requirements, and the new penalties for failing to meet a license milestone or for surrendering a license for cancellation, fundamentally change the business risks associated with continuing to prosecute an FCC application to grant and attempting to implement an FCC-licensed satellite system.

Changes in ITU Requirements. In November 2000, at WRC-2000, changes were made to the International Radio Regulations, which require that certain "due diligence" showings be made by November 21, 2003, in order to maintain the validity of the U.S. ITU filings that the Commission made in 1997 with respect to these V Band systems.[4] Those ITU filings, of course, are a critical element in establishing international priority to operate a satellite network, and establish the final Commission license milestone in certain cases.[5] In order to make the due diligence showings required to maintain ITU priority for these systems, HNS would have needed to enter into spacecraft construction and launch arrangements for these V Band systems, and provide that information to the Commission, well before the November 21, 2003 ITU deadline. It would have been virtually impossible for HNS to have done so.

Had HNS maintained these applications, it would not have been feasible for HNS to make any firm plans for the construction or launch of a V Band satellite system until the Commission had actually issued a license to HNS. Among other things, until the Commission issued a license, HNS would not know the orbital locations, other orbital parameters, or frequency bands, in which it would be entitled to operate. In its recent *Space Station Licensing Reform Order*, the Commission indicated its intention to process the pending V Band applications under its newly adopted, but not yet effective, licensing regime. Thus, such licensing could not occur until (i) the *Space Station Licensing Reform Order* is published in the Federal Register and the new licensing rules thereby become effective, (ii) the HNS V Band applications were placed on Public Notice, along with all of the other pending V Band

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4 *See* Resolution 49 (WRC-2000) (Administrative due diligence applicable to satellite radio communication services).

5 *See* 47 C.F.R. § 25.145(f).

applications filed by the September 1997 cut-off date,[6] and (iii) the Commission afforded the required period for petitions and comments.[7] Thus, assuming that Federal Register notice and the requisite Public Notice both occurred in early July 2003, the soonest the Commission could have issued a V Band license to HNS would have been late August 2003. And, realistically, the Commission's licensing process could well have taken much longer. Under these circumstances, it simply is neither reasonable nor realistic to expect that HNS could have, by November 21, 2003, entered into the requisite construction and launch arrangements necessary to preserve ITU priority for these proposed V Band systems.

The net result of these intervening legal changes at the Commission and the ITU is that, due to no fault of its own, HNS would have incurred substantial and unacceptable new risks had it continued to prosecute these V Band applications. HNS would have had to post tens of millions of dollars of bonds within thirty days of Commission licensing. HNS would have had to hope that it could preserve ITU priority by entering into spacecraft construction and launch arrangements that would satisfy ITU due diligence requirements by November 2003 – no more than three months after the earliest possible Commission licensing date. If it did not, HNS would lose critical ITU priority for these systems. And, in the unlikely event that everything fell into place in time, HNS would run the risk of losing those tens of millions of dollars in bonds if HNS were not able to meet any of the newly-adopted Commission license milestones. Neither HNS nor its predecessor could have foreseen the sea change in domestic and international regulation that has occurred since 1997, nor that these applications would lie unprocessed at the Commission – not even accepted for filing – for almost six years.

For these reasons, grant of a filing fee refund under these circumstances is fully consistent with Commission precedent. Section 1.1113(a)(4) of the Commission's Rules, 47 C.F.R. § 1.1113(a)(4), permits refunds "[w]hen the Commission adopts new rules that nullify applications already accepted for filing, or new law or treaty would render useless a grant or otherwise positive disposition of the application."

The Commission has authorized fee refunds under this rule in a number of cases, similar to this case, where the Commission has made significant change in its regulations that adversely affect pending applications.[8] Specifically, the Commission has afforded applicants the opportunity to request a refund of application filing fees when significant rule changes that affect basic "entry criteria" (*i.e.*, baseline application qualifications) such as the system construction

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6 *Applications Accepted for Filing; Cut-Off Established for Additional Space Station Applications and Letters of Intent in the 36-51.4 GHz Frequency Band*, FCC Report No. SPB-89 (July 22, 1997).

7 *See* 47 C.F.R. § 25.151(a)(1).

8 *See Certain Cellular Rural Service Area Applicants*, 14 FCC Rcd 4619, 4621 & n.14 (1999); *Amendment of Part 90 of the Commission's Rules to Provide for the Use of the 220-222 MHz Band by the Private Land Mobile Radio Services*, 8 FCC Rcd 4161, 4163-64 & nn.24, 28 (1993); *Amendment of Part 1, 2 and 21 of the Commission's Rules Governing Use of the Frequencies in the 2.1 and 2.5 GHz Bands*, 8 FCC Rcd 1444, 1449, n.49 (1993); *1998 Biennial Regulatory Review – Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules*, 14 FCC Rcd 5272, 5284-85 & nn.51, 53 (1999).

schedule or a demonstration of financial wherewithal[9] or represent a fundamental change in the way that the Commission processes applications.[10] The Commission further has recognized that fee refunds are appropriate when, after significant rule changes, "certain applicants may be unable to satisfy [the new] licensing prerequisites or may otherwise no longer be interested in applying."[11] Finally, the Commission has indicated that applicants may request refunds where changes in law preclude the further processing of applications that had not been processed beyond acceptance for filing,[12] or when numerous changes occur in the Commission's licensing procedures, and an applicant withdraws its application even before it is placed on Public Notice.[13]

As explained above, the recent *Space Station Licensing Reform Order* has radically altered the existing rules that govern satellite system applications before the Commission. The new limits on the number of pending applications that one entity may have, combined with the new rule for "attributing" the filings made by related companies, alter the basic "entry criteria" for a satellite applicant, and, in fact, made it legally impossible for HNS to continue to pursue these applications in the manner originally submitted. Even if it were possible for HNS to "skinny down" its request by eliminating most of the requested orbital locations, HNS still would have been subject to a new demonstration of financial wherewithal – a new bond posting requirement that remains the subject of an ongoing rulemaking proceeding, and a more stringent set of system construction requirements – new license milestones. Moreover, as explained above, the almost-six-year delay in processing these applications, and the intervening adoption of a November 2003 international "due diligence" deadline, threaten to undermine the international coordination priority of these systems, and adversely affect the ability to raise financing for these systems that would allow HNS to meet the new post-licensing requirements.

Furthermore, the Commission has neither accepted for filing, nor placed on Public Notice for comment, the HNS V Band applications. Under the Commission's analysis in the *Space Station Licensing Reform Order,* the Commission therefore has not completed the fee review process, and a fee refund therefore is warranted.[14]

In conclusion, HNS submits that a full fee refund for its withdrawn and unprocessed V Band applications is warranted by (i) intervening and revolutionary changes in Commission satellite licensing regulations, (ii) newly-adopted ITU due diligence requirements,

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9 *See, e.g., Amendment of Part 90 of the Commission's Rules to Provide for the Use of the 220-222 MHz Band by the Private Land Mobile Radio Services*, 8 FCC Rcd at 4163-64 & nn.24, 28.

10 *See, e.g., 1998 Biennial Regulatory Review – Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules*, 14 FCC Rcd at 5284-85 & nn.51, 53.

11 *Amendment of Part 90 of the Commission's Rules to Provide for the Use of the 220-222 MHz Band by the Private Land Mobile Radio Services*, 7 FCC Rcd 4484, 4489 at n.66 (1992), *on reconsideration*, 8 FCC Rcd 4161(1993).

12 *See Certain Cellular Rural Service Area Applicants*, 14 FCC Rcd at 4621, n.14.

13 *See Amendment of Part 1, 2 and 21 of the Commission's Rules Governing Use of the Frequencies in the 2.1 and 2.5 GHz Bands*, 8 FCC Rcd at 1449, n.49.

14 *See Space Station Licensing Reform Order*, ¶ 116.

and (iii) the fact that a six-year hiatus in Commission processing prevented HNS from being licensed in time to maintain ITU priority. HNS therefore respectfully requests a refund of the $1,896,840 in aggregate filing fees submitted in connection with those V Band applications.

HNS recognizes that Section 1.1113(a) provides for a refund to be issued to the payor specified on the FCC remittance advice, Form 159. In this case, however, HNS has been substituted as the applicant with the consent of the original payor, Hughes Communications, Inc. ("Hughes"),[15] and some of the fee payments in this case have been made by HNS itself. HNS therefore requests that a refund be issued to it. If the Commission nonetheless decides to issue a refund to Hughes, the undersigned counsel of record for Hughes requests that such a refund be sent in care of counsel at the address provided above. Hughes is no longer at the address it used in the applications six years ago.

Please contact me if you have any questions regarding this request or require any further information.

Respectfully submitted,

John P. Janka

[15] *See* SAT-AMD-20020722-00136/137/138/139/140/141/142/143/144/145 (Exhibit D); SAT-AMD-20020722-00131/132/133/134 (Exhibit D); SAT-AMD-20020722-00127/128/129 (Exhibit D).

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

FILE

OCT 25 2005

OFFICE OF
MANAGING DIRECTOR

Simon J. Lincoln, Esq.
476 Broome Street, Suite 5A
New York, New York 10013

Re: Integrity Radio of Florida, LLC
Station WFLN(AM), Arcadia, Florida
Refund of Application Fee
Fee Control No. 0505178350894469

Dear Mr. Lincoln:

This is in response to your request dated June 24, 2005, filed on behalf of Integrity Radio of Florida, LLC (Integrity) for a refund of the $830.00 application fee submitted on May 17, 2005 in connection with FCC Form 315, "Application for Consent to Transfer Control of Entity Holding Broadcast Station Construction Permit or License" ("Form 315" or "the application").[1] Our records reflect that Integrity paid the application fee. Your request is granted.

You recite that because "[t]he owners of Integrity are contemplating a sale of membership interests that would constitute a change in control . . . .[, w]e . . .filed Form 315 . . .on April 28, 2005." You state that "[w]hen we tried to pay the $830.00 fee associated with the form, we ran into a number of difficulties." You explain that "[a] number of times we tried to pay by credit card on the FCC website, with no success" and that "[a] few times, the final screen simply stated '[t]his page can not be displayed.'" You state that "we finally succeeded in paying the filing fee . . . .[but, u]nfortunately, the filing fee was officially paid on May 17, 2005, which is more than 14 days after the date of filing of the Form 315." In a subsequent communication, you state that Integrity paid the fee electronically on May 17, 2005 by credit card. You state that Commission staff advised you that Integrity would "not receive approval of that Form 315 because the fee was paid late." You state that you "have since refiled the Form 315. . . and have paid an extra $830.00 . . . for the new filing."

Our records reflect that because Integrity filed its application on April 28, 2005 and then paid the associated filing fee more than two weeks later on May 17, 2005, the Media Bureau (Bureau) did not process Integrity's application because timely payment was not

[1] Your request references and attaches another correspondence which you state was emailed to Commission staff on June 8, 2005, requesting a refund of the instant $830.00 application fee.